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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,830	01/11/2000	KURT H LOHSE	LOHSE-1	7571

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EXAMINER

LASTRA, DANIEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

*HL*

## Office Action Summary

Application No.

09/482,830

Applicant(s)

LOHSE, KURT H

Examiner

DANIEL LASTRA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-7 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-7 and 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### **DETAILED ACTION**

1. Claims 3-7, 15 and 16 have been examined. Application 09/482,830 (Method for providing discount incentives to potential customers who wish to make an immediate purchase) has a filing date 01/11/2000.

### ***Response to Amendment***

2. In response to the Non Final Rejection filed 10/21/2004, the Applicant filed a Notice of Appeal on 04/21/2005 and a RCE on 07/18/2005, which amended claims 15-17.

### ***Claim Objections***

3. Claims 3-6 are objected to because they are marked as "previously presented", however, said claims contain underline text. The Applicant needs to eliminate the underline text so said claims correspond to previously presented claims. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-7 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over ISSA (USA 2003/0093355) and further in view of De Lapa (US 5,822,735).

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As per claims 15 and 16, ISSA teaches:

A method for providing discount incentives to potential customers based upon the *precise* value of a non-specific product purchase *specified by the potential customer* including the steps of:

a. establishing a website for a set of providers to set their respective discount parameters (see ISSA figure 3a);

b. providing access to said website by a potential customer for selecting a provider from said set of providers (see ISSA paragraphs 171-172).

c. transmitting only a customer-*selected* spending amount to said website by said potential customer without indicating the specific goods to be purchased (see ISSA paragraphs 77-84, 171, 225);

d. querying said provider's discount parameters to establish whether said provider has a discount parameter matching said potential customer's *specified* spending amount (see ISSA figure 3a); and

e. determining whether a provider's discount parameters match said customer spending amount and (1) returning to step (b) if no match is found, and (2) presenting a website display of a customer discount corresponding to said discount parameters *and said customer-specified spending amount* (see ISSA paragraphs 171-176; 219-225) but fails to teach for printout of a coupon by said potential customer for subsequent redemption if a match is found. However, De Lapa teaches a focused coupon system that prints coupons based not necessarily on a particular product but from consumers purchase above a set amount from participating retailers (see De Lapa column 6, lines 40-49; figure 2).

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that buyers using the ISSA system would select a provider and would input an future spending amount (i.e. value amount; see ISSA paragraph 77, 225) into said ISSA's system and ISSA would generate coupon offers that would correspond to a monetary amount of buying power from said provider at a discounted rate (see ISSA paragraph 171; see De Lapa figure 2, "\$10 off on any purchase greater than \$100 with this coupon"). ISSA's sellers would be motivated to print coupons offers to buyers where said coupons would indicate in writing said buyers monetary amount of buying power (i.e. not related to a specific product) in order to give said buyers a hard copy evidence that said buyers are entitled to said offers.

As per claim 4, ISSA teaches:

The method recited in claim 15 but fails to teach further comprising the step of establishing a data file of coupon generation for each said provider. However, De Lapa teaches a coupon system where coupons could apply to purchase from a particular retailer above a set amount (see De Lapa column 6, lines 44-49). Therefore, the same argument made in claim 15 is made in claim 4.

As per claim 5, ISSA teaches:

The method recited in claim 15 but fails to teach further comprising the step of including at least one verification number on each said discount coupon. However, De Lapa teaches including at least one verification number on discount coupon (see figure 2). Therefore, the same argument made in claim 15 is made in claim 5.

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As per claim 6, ISSA teaches:

The method recited in claim 15 further comprising the step of displaying a search page at said website for permitting a potential customer to search for a provider based upon selected criteria (see figure 2b).

As per claim 7, ISSA teaches:

The method recited in claim 6 wherein said search criteria comprise at least one criterion taken from the group consisting of location, nature of products offered, nature of services offered and timing of provider registration at said website (see ISSA paragraph 225).

As per claim 17, ISSA teaches:

The method recited in claim 16 but fails to teach wherein step e) further comprises also presenting on said web display coupon a higher discount parameter based upon a larger amount to be spent at said future visit to said selected provider to give said potential customer incentive to spend more than said *specified* minimum amount. However, De Lapa teaches a coupon system where consumers receive \$10 off on any purchase greater than \$100 and \$5 off on any purchase greater than \$50 (see figure 2). Also, De Lapa teaches "Focused coupon system is intended to induce each member to shop at the retailer participating in system 15 and to increase the total purchases from that retailer. This may be accomplished by assigning higher coupon values to non-customers of the participating retailer than to regular established customers, in order to further induce the consumer to the retailer's store" (see De Lapa column 5, lines 10-18). Therefore, it would have been obvious to a person of ordinary

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skill in the art at the time the application was made, to know that users of the ISSA system would enter in a website the amount proposed to be spent at a future visit and said system would create in real time higher discount coupons to induce consumers to spend more than their expected total purchase amount, as taught by De Lapa (see figure 2). The ISSA's system would generate a different coupon depending upon the customer's expected spending amount, serving as a better targeting tool and incentive for customers to visit the store and purchase products.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over ISSA (US 2003/0093355) in view of De Lapa (US 5,822,735) and further in view of article YahooAddsMaps of 50 Cities.

As per claim 3, ISSA teaches:

The method recited in claim 15 but fails to teach wherein said step (e) further comprises the steps of generating a map indicating the location of said selected provider and adding said map to said website display. However, the article YahooAddsMaps of 50 Cities teaches that any website which contains location content can easily add mapping features and services (see paragraph 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that ISSA would include mapping capabilities to guide customers to the stores (see ISSA paragraph 172) where they would redeem the coupons.

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### Response to Arguments

5. Applicant's arguments with respect to claims 3-7 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

### Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Van Luchene teaches a method for determining a progressive discount for a customer based on the frequency of the customer's transactions.
- Lotus and Apple Launch multilevel program teaches discounts for future purchases.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The Examiner's Right fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel Lastra

September 17, 2005



RETTA YEHEDEGA  
PRIMARY EXAMINER